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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 OCTAVIO BERNAL PONCE,  
15 Defendant.

Case No. 2:15-cr-215-LDG-CWH  
MOTION TO AMEND OR CORRECT  
SENTENCE OR JUDGMENT  
PURSUANT TO RULE 35

16  
17 Certification: This motion is timely filed.

18 The defendant, OCTAVIO BERNAL PONCE, by and through his attorney of record,  
19 Brian Pugh, Assistant Federal Public Defender, moves this Court to Amend or Correct Sentence  
20 or Judgment pursuant to Rule 35.

21 DATED this 11th day of July 2016.

22 RENE L. VALLADARES  
Federal Public Defender  
23 /s/ Brian Pugh

24 By:

25 BRIAN PUGH  
Assistant Federal Public Defender  
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**POINTS AND AUTHORITIES**

**I. PROCEDURAL BACKGROUND**

On June 28, 2016, this Court sentenced Octavio Bernal Ponce (hereinafter “Mr. Bernal”) to a 17-month term of imprisonment. ECF No. 30. At the time, Mr. Bernal neglected to request a recommendation from the Court regarding in which Bureau of Prisons (“BOP”) facility in which he would serve his sentence.

**II. ARGUMENT**

Rule 35 permits a court to correct an error in a sentence if the error resulted from an “arithmetical, technical, or other clear error.” Fed. R. Crim. P. 35(a). Rule 35 allows the court 14 days to make such corrections. *Id.* It has been 13 days since Mr. Bernal’s sentencing and five days since the entry of the Judgment. ECF No. 30.

Mr. Bernal respectfully requests that this Court amend the judgment to include a recommendation that he serve his sentence at a BOP facility in Southern California.

On July 11, 2016, the undersigned contacted counsel for the government regarding this motion. The government has no objection to this Court amending the judgment to include a recommendation that Mr. Bernal serve his sentence at a BOP facility in Southern California.

**III. CONCLUSION**

Wherefore, Mr. Bernal requests that this Court amend the judgment to include a recommendation to the Bureau of Prisons that he serve his sentence at a BOP facility in Southern California.

DATED this 11th day of July 2016.

Respectfully submitted,


ORDER

RENE L. VALLADARES  
Federal Public Defender  
/s/ Brian Pugh

IT IS SO ORDERED.

DATED this 12 day of August, 2016. By:

BRIAN PUGH  
Assistant Federal Public Defender  
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Lloyd D. George  
Sr. U.S. District Judge